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Via Certified Mailing - Return Receipt

April 11, 2014

Nick Circosta, Owner
Steven Circosta, President and Registered Agent
Circosta Iron & Metal Co. Inc.
1801 Evans Avenue
San Francisco, CA 94124

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act ("Clean Water Act")

Dear Owner, President, and Site Manager:

NOTICE

This Notice is provided on behalf of California River Watch ("River Watch") in regard to violations of the Clean Water Act ("CWA" or "Act") 33 U.S.C. §1251 *et seq.*, that River Watch believes are occurring at the Circosta Iron & Metal facility located at 1801 Evans Avenue in San Francisco, California. Notice is being sent to you as the responsible owners, operators or managers of this facility. This Notice addresses the violations of the CWA, including violation of the terms of the General California Industrial Storm Water Permit and unlawful discharge of pollutants from the Circosta Iron & Metal facility into San Francisco Bay. River Watch is sending you this Notice to preserve its rights under the CWA, but would welcome the opportunity to resolve these issues out of court.

CWA § 505(b) requires that 60 days prior to the initiation of a civil action under CWA § 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of the intent to sue to the alleged violator, the Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the CWA, this Notice provides detail of the violations that have occurred, and continue to occur at the Circosta Iron & Metal facility. Consequently, Circosta Iron & Metal Co., Inc. (the "Discharger") is placed on formal notice by River Watch that following the expiration of sixty (60) days from the date of this Notice, River Watch will be

entitled to bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, National Pollutant Discharge Elimination System ("NPDES") permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, CWA § 301(a), § 402(p), and § 505(a)(1)), as well as the failure to comply with requirements set forth in the Code of Federal Regulations and the San Francisco Bay Regional Water Quality Control Board (Region 2) Water Quality Control Plan or "Basin Plan".

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto shall include sufficient information to permit the recipient to identify the following:

1. The specific standard, limitation, or order alleged to have been violated.

Based on information thus far received, River Watch believes pollutants are being discharged from the storage, processing, and recycling activities at the Circosta Iron & Metal site. These pollutants include, but are not limited to, petroleum hydrocarbons, oil and grease, PCBs, benzene, solvents, and toxic metals which include copper, zinc, aluminum, iron, and lead. River Watch contends the Discharger has no individual facility NPDES permit for these discharges, and is failing to apply for coverage and comply with the General Industrial Storm Water Permit, NPDES Permit No. CA S000001, State Water Resources Control Board, Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ ("General Permit"). These discharges are in violation of the CWA's prohibition with regard to discharging a pollutant from a point source to waters of the United States, in this instance, San Francisco Bay, pursuant to CWA § 301(a), 33 U.S.C. § 1311(a) and 33 U.S.C. § 1365(f).

Without obtaining coverage under, and complying with the terms of, the General Permit, the Discharger has failed to prepare and implement a Storm Water Pollution Prevention Plan ("SWPPP,"), failed to develop and implement a Monitoring and Reporting Program, and failed to implement Best Available Technology Economically Achievable ("BAT") and Best Conventional Pollutant Control Technology ("BCT") to control the discharge of pollutants in storm water at the Circosta Iron & Metal facility. These violations will continue until the Discharger submits a Notice of Intent to obtain coverage under the General Permit, implements a SWPPP and Monitoring and Reporting Program, and demonstrates following sampling and testing after storm events, that its implementation of Best Management Practices ("BMPs") is effectively controlling storm water and non-storm water discharges from the Circosta Iron & Metal facility.